

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

13CV6545 #2

In the Matter of the complaint by,

DENNIS SIMON,

Plaintiff,

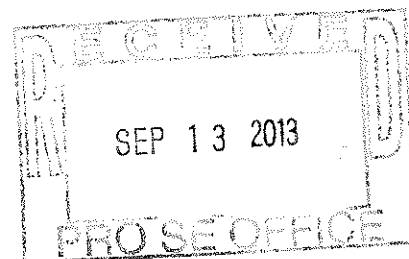
-against-

BROOKLYN NORTH
NARCOTICS DIVISION,
75TH PRECINCT, BROOKLYN, NEW YORK,
POLICE OFFICERS, P.O. FRIENDLY,
P.O. FINNEGAN, P.O. JOHNSON, SGT. THOMAS,
P.O. NACELEWICZ,
P.O. WOODS, P.O. CHATMAN, P.O. ORTEGA,
P.O. REYNOLDS, Defendants.

CIVIL RIGHTS
COMPLAINT
PURSUANT TO
42 U.S.C. §1983

Case No.
9: CV

TO THE RESPECTIVE DISTRICT COURT OF THE UNITED STATES:
SOUTHERN DISTRICT OF NEW YORK.....:



1. Your Plaintiff, to wit, DENNIS SIMON, respectfully demands a trial by jury.
2. This is a civil action seeking judicial relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States of America.
3. This action is brought pursuant to 42 U.S.C. §1983.
4. This respective Court has jurisdiction over the action herein pursuant to 28 U.S.C. §§1331, 1343(3) &(4), and 2201.
4. The Plaintiff herein, in the aforementioned sought action is currently residing at: CAPE VINCENT CORRECTIONAL FACILITY
36560 STATE ROUTE 12E, P.O. Box #599
CAPE VINCENT, NEW YORK, 13618-0599, under the New York State identification number: 13R0259.
5. The Defendants, are the forementioned captioned individuals from the 75th Precinct, Brooklyn North Narcotics Division, Brooklyn, New York.
6. Defendant respectfully submits to this respective Court that there exists a grievance procedure at the facility in which he currently resides, though he was informed, upon inquiry, that this civil action is not a grievable issue at the facility-level to which he resides.

7. Plaintiff has no other lawsuits pending in any other State or Federal Courts relating to his imprisonment.

FINDINGS OF FACTS

THE TIME WHEN, THE PLACE WHERE AND THE MANNER IN WHICH THE CLAIM AROSE, IS ON THE 25TH DAY OF MAY, 2011, AT APPROXIMATELY 6:10A.M., TO WHERE YOUR PLAINTIFF, TO WIT, DENNIS SIMON, NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION DEPARTMENTAL IDENTIFICATION NUMBER 13R0259, WAS ASSAULTED AND BATTERED BY THE MEMBERS OF THE NEW YORK CITY POLICE DEPARTMENT, FROM THE 75TH PRECINCT, INCLUDING BUT NOT LIMITED TO, P.O. FRIENDLY, P.O. FINNEGAN, P.O. JOHNSON, SGT. THOMAS, P.O. NACELEWICZ, P.O. WOODS, P.O. CHATMAN, P.O. ORTEGA, AND P.O. REYNOLDS, AND P.O. JANE DOE, SHIELD NUMBER 140095.

THE AFOREMENTIONED INCIDENT TOOK PLACE AT YOUR PLAINTIFFS PLACE OF RESIDENCE, TO WIT, 1165 STANLEY AVENUE, APARTMENT NUMBER 7-F, COUNTY OF KINGS, NEW YORK, 11208. AT THE AFOREMENTIONED TIME AND PLACE, YOUR PLAINTIFF, DENNIS SIMON, WAS ABUSED AND ULTIMATELY HAD HIS CIVIL RIGHTS INFRINGED UPON, WHICH ARE GUARANTEED BY THE UNITED STATES CONSTITUTION, IN THAT HE WAS ILLEGALLY AND ULAWFULLY ASSAULTED AND BATTERED, CAUSED TO SUSTAIN SERIOUS INJURIES WHICH REQUIRED IMMEDIATE MEDICAL ATTENTION.

THAT THE AFOREMENTIONED INCIDENT/ASSAULT WAS CAUSED BY THE NEGLIGENCE OF THE CITY OF NEW YORK, IN ITS OWNERSHIP, OPERATION, MAINTENANCE, SUPERVISION, MANAGEMENT AND CONTROL OF THE NEW YORK CITY POLICE DEPARTMENT. IN ADDITION, THE CITY OF NEW YORK FAILED TO PROPERLY HIRE, SUPERVISE AND TRAIN POLICE OFFICERS AT THE TIME AND PLACE OF THE OCCURRENCE. THE CITY OF NEW YORK IS RESPONSIBLE FOR ALL ACTIONS OF THEIR OFFICERS UNDER THE DOCTRINE OF RESPONDEAT SUPERIOR. IN ADDITION, THE CITY OF NEW YORK FAILED TO COMPLY WITH APPROPRIATE STATUTES AND ORDINANCES.

TOTAL AMOUNT OF DAMAGES CLAIMED/SOUGHT: FIVE MILLION(\$5, 000,000,00)DOLLARS

(3).

FIRST CAUSE OF ACTION

That Plaintiff was assaulted by the members of the City of New York Police department, to wit, the 75th Precinct, County of Kings, New York.

SECOND CAUSE OF ACTION

That Plaintiffs Constitutional Right to be free from cruel and unusual punishment, protected by the United States Constitution has been infringed upon.

THIRD CAUSE OF ACTION

That there was a grave negligence on behalf of the City of New York Police Department, to wit, the 75th Precinct, (Narcotics Division), County of Kings, New York, in that the police officers involved in the aforementioned incident, date, place and time, demonstrated an unprofessional mannerism while conducting their investigatives duties and responsibilities.

WHEREFORE, Your Plaintiff respectfully seeks this respective Courts intervention with the reprimand, sanctioning, and ultimately rewarding the Plaintiff damages for injuries sustained, in the amount of \$5,000,000,00 (FIVE MILLION DOLLARS), punitive damages in the amount of \$5,000,000,00 (FIVE MILLION DOLLARS), along with compensatory damages in the amount of \$5,000,000,00 (FIVE MILLION DOLLARS), for Plaintiffs lost wages at his place of employment; the loss of his job, and for any further and additional relief that this respective Court and jurisdiction may deem to be just and proper, thus governing the statutes, laws and clauses herein.

(4).

DATED: 9/6/13

Respectfully Submitted,

D. Simon

DENNIS SIMON 13R0259

Cape Vincent Correctional Facility
36560 State Route 12E, P.O. Box #599
Cape Vincent, New York, 13618

Sworn to before me this 6th day of September 2013

Charlotte A. Frese

NOTARY PUBLIC*

CHARLOTTE A. FRESE
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01SO5076199
QUALIFIED IN JEFFERSON COUNTY
COMMISSION EXPIRES APRIL 21, 2015